

REMARKS

Claims 27 to 30 are added, and therefore claims 14 to 30 are now pending. Reconsideration is respectfully requested based on the following.

Applicants thank the Examiner acknowledging the receipt of all certified copies of the priority documents.

Claim 14 was objected to for asserted grammatical informalities. Applicants respectfully submit that the cited phrase “an instant at which measured quantities giving rise to a triggering probably exit” (see Office Action, page 2, lines 6 to 8) is grammatically correct. However, to facilitate matters, claim 14 (and claim 22) has been rewritten herein without prejudice as to this mirror grammatical informality. Therefore, withdrawal of the objection is respectfully requested.

Claim 16 was rejected under the second paragraph of 35 U.S.C. §112 as indefinite.

Although the rejection may not be agreed with to facilitate matters, claim 16 has been rewritten herein without prejudice to better clarify the claimed subject matter. Therefore, withdrawal of the rejection is respectfully requested.

Claims 14, 19, 20, 22 and 24 to 26 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,919,917 to Janssen et al. (“Janssen”).

To reject a claim under 35 U.S.C. §102(e), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Claim 14 and claim 22, as presented, are directed to a method and a system for controlling a driver-assistance device, providing features of evaluating measured quantities, to be recorded by sensors, for triggering a reaction; determining measuring instants through repeating cycles for acquiring and evaluating the measured quantities; and controlling the

measuring instants so that *one of the measuring instants follows as immediately as possible an instant at which there are measured quantities that give rise to a triggering.*

The Office Action asserts that the text at column 2, lines 35 to 47, of Janssen discloses the features of measured quantities, “to be recorded by sensors, for triggering a reaction” (see Office Action, page 3, lines 16 to 17). The cited section of Janssen merely concerns vehicle sensors on a for parking, but it does not identically disclose (or even suggest) the claim feature because there is simply no indication in the cited section of measured quantities to be recorded by sensors for triggering a reaction, as provided for in the context of the presently claimed subject matters.

The Office Action also asserts that the text at column 2, lines 29 to 34, discloses the features of determining measuring conclusively instants through repeating cycles for acquiring and evaluating the measured quantities, and controlling the measuring instants so that one of the measuring instants follows as immediately as possible an instant at which there are measured quantities that give rise to a triggering (see Office Action, page 3, lines 18 to 22). The cited section of Janssen merely concerns additional vehicle sensors for parking, but it does not identically disclose (or even suggest) the foregoing features, as provided for in the context of the presently claimed subject matter. Indeed, any review of the Janssen reference makes plain that does not identically disclose (or suggest) the features of the presently claimed subject matter.

Accordingly, claims 14 and 22, as are allowable, as are their respective dependent claims 19, 20 and 22 to 26. Withdrawal of the anticipation rejections of claims 14, 19, 20, 22 and 24 to 26 is therefore respectfully requested.

Claims 15 and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Janssen in view of U.S. Patent Publication No. 2003/0055563 to Lars et al. (“Lars”).

Claims 15 and 23 depend from claims 14 and 22 respectively, and are therefore allowable for the same reasons as claims 14 and 22, since the secondary Lars does not cure (and is not asserted to cure) the critical deficiencies of the primary Janssen reference.

Claims 16 to 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Janssen alone. Claims 16 to 18 depend from claim 14, and are therefore allowable for essentially the same reasons as claim 14.

Claim 21 was rejected under 35 U.S.C. §103(a) as unpatentable over Janssen in view of U.S. Patent Publication No. 2001/0003168 to Breed et al. (“Breed”).

Claim 21 depends from claim 14, and therefore, are allowable for the same reasons as claim 14, since the secondary Breed does not cure (and is not asserted to cure) the critical deficiencies of the primary Janssen reference.

Accordingly, claims 15 to 18, 21 and 23 are allowable. Withdrawal of the rejections of claims 15 to 18, 21 and 23 is respectfully requested.

New claims 27 to 30 do not add any new matter and are supported by the present application, including the specification. Claim 27 depends from claim 22 and is therefore allowable for the same reasons as claim 22. Claims 28 to 30 depend from claims 14 (or 17) and are therefore allowable for the same reasons as their base claims.

In sum, all pending claims are allowable.

CONCLUSION

In view of the foregoing, claims 14 to 30 are allowable. It is therefore respectfully requested that the rejections and be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,
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